DOCUMENT RESUME

ED 443 174 EA 030 495

TITLE	Office for Civil Rights. Annual Report to Congress, Fiscal Year 1999. Guaranteeing Equal Access to High-Standards Education.
INSTITUTION	Office for Civil Rights (ED), Washington, DC.
PUB DATE	1999-00-00
NOTE	31p.; For 1998 report, see ED 428 436.
PUB TYPE	Reports - Descriptive (141)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	Access to Education; *Annual Reports; Civil Law; *Civil Rights; Elementary Secondary Education; *Equal Education; Law Enforcement; Student Rights
IDENTIFIERS	*Office for Civil Rights

ABSTRACT

This report summarizes the accomplishments of the Office for Civil Rights (OCR) during fiscal year 1999. It describes the strategies that were used to implement fair, efficient, and effective enforcement of the civil-rights laws, as well as reforms that ranged from a redesigned case process that focuses on resolution to attaining civil-rights compliance through greater reliance on collaboration with schools and partners. It describes the organizational structure of the OCR, how the department resolves complaints, how it conducts compliance reviews, and how it provides policy guidance and technical assistance. The evaluation also discusses some of the results achieved by empowering students and parents to solve their own problems in securing equal access to quality education. The document details how the OCR strives for equality in educational access and how the department ensures equity and excellence. The report outlines how the OCR does its work and the efforts that have been made to handle more cases more efficiently. It demonstrates how OCR measures its work and how OCR, by managing its resources for a positive impact, makes a difference in the lives of students by ensuring equal treatment. (RJM)

Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 443 174

Office for Civil Rights
Fiscal Year 1999

Annual Report to Congress

Guaranteeing Equal Access to High-Standards Education

EA 030415

U.S. Department of Education
Office for Civil Rights

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☐ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

Office for Civil Rights
Fiscal Year 1999

Annual Report to Congress

U.S. Department of Education
Office for Civil Rights

MISSION:

To ensure equal access to education
for all students through the
vigorous enforcement of civil rights.

THOSE WE SERVE:

We serve students facing discrimination.

Message From The Assistant Secretary

Federal civil rights laws provide protection for our students against the denial of access to educational opportunities on the basis of race, color, national origin, sex, age and disability. In enforcing these nondiscrimination guarantees, the Office for Civil Rights' (OCR) mission is aligned with the Department of Education's mission– promoting educational excellence throughout the nation.

At the outset of this Administration, OCR set a new national agenda designed to ensure meaningful access to a high quality, high standards education for all students. We have not wavered from the conviction that equal educational opportunity can and must go hand-in-hand with educational excellence.

This Annual Report summarizes accomplishments during fiscal year 1999, including a wide array of strategies that were used to implement fair, efficient, and effective enforcement of the civil rights laws. These strategies range from a redesigned case process that focuses on resolution, achieving effective change, and attaining civil rights compliance through greater reliance on collaboration with schools and partners. This Report also describes some of the results achieved by empowering students and parents to solve their own problems in securing equal access to quality education. Among other benefits, this partnership helps ensure that the positive actions taken by educational institutions continue even after OCR completes its monitoring activities.

In promoting equity and excellence in education, OCR has been dedicated to marrying efficiency with effectiveness. Our dedication to this endeavor was recently noted in findings released by the U.S. General Accounting Office (GAO) on March 23, 1999, confirming significant improvements resulting from OCR's case resolution process. GAO's study reported that, over a four-year period, OCR succeeded in reducing the average time to resolve complaints and the inventory of unresolved complaints. These improvements occurred despite an increasing number and complexity in the complaint workload and a concurrent decline in OCR's resources.

During fiscal year 1999, OCR was able to make a real difference in the lives of students. This Report provides examples from the millions of students whose educational lives were improved as a result of our work. It is critical that we build on these accomplishments. Together, we must augment our efforts in bringing access to high quality education to all students. If we can rise to this challenge, we will be able to seize the enormous opportunities of the new millennium.

Respectfully submitted,

Norma V. Cantú

Norma V. Cantú

Table of Contents

Message From the Assistant Secretary i

Our Goal Is Equal Access To Quality Education 1

The Office for Civil Rights Ensures Equity and Excellence 3

How OCR Does Its Work 4

OCR Does More, More Efficiently 7

How OCR Measures Its Work 8

OCR Develops Strategies That Work 9

OCR Makes A Difference in the Lives of Students 13

Managing Resources for Positive Impact on Students 18

Looking Toward the Future 20

Notes 21

Appendix 23

BEST COPY AVAILABLE

Our Goal Is Equal Access To Quality Education

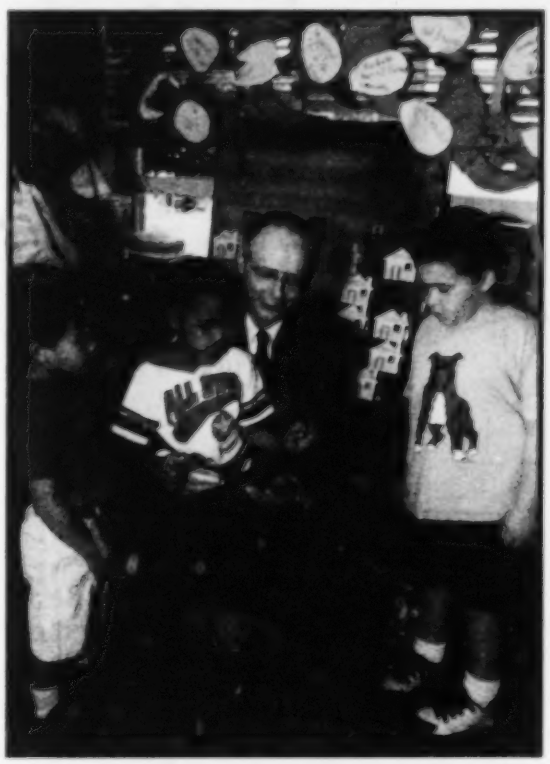
> "At the core of our efforts - with Brown as our foundation - must be the establishment of the principle that equal educational opportunity means an equal opportunity for a quality education - with emphasis on the word 'quality.'"
>
> Secretary Riley
> May 17, 1999
> 45th Anniversary of the Brown Supreme Court Decision

During the past year, the Department marked two special events: the Supreme Court's landmark Brown v. Board of Education decision, which declared separate but equal schools to be unconstitutional, and the twenty-fifth anniversary of the passage of Section 504 of the Rehabilitation Act of 1973, which prohibited disability discrimination. Together, these historic events have helped bring about profound changes in American education and improve the educational opportunities of millions of students. Both have contributed to bringing the formerly excluded into the mainstream of American life.

As we enter the new millennium, the need to continue to build on these important accomplishments is critical. Barriers to equal educational opportunity continue to thwart our progress in guaranteeing that each individual can develop his or her talents to the fullest. This will require that educational opportunity comes to embrace equal access to high quality education for **all**.

In this new information age driven by science and technology and an increasingly competitive global economy, the goal must be to ensure that **all** students have the opportunity to get a quality education that will prepare them for a productive and challenging life.

The future of our children will depend, in large part, on the quality of education they receive. A quality education for **all** is the only way this country can remain strong and full of possibility. The inability or lack of resolve to provide access to high



standards education threatens this nation's ability to compete in the world economy, as well as ensure our security and quality of life. Fifteen years ago a worker with a college degree made 38 percent more, on average, than a worker with a high school degree. Today, that gap is 73 percent.[1]

The consequences for our nation are as critical as the consequences for individuals. Almost 90 percent of the new jobs being created today require more than a high school level of literacy and math skills.[2] By 2010, 65 percent of all jobs will require technology skills.[3] High-skill jobs are now growing at nearly three times the rate of other jobs.

If we are to accomplish our national goals, **excellence** and **equity** in education will have to go hand-in-hand. We are a nation filled with potential, and we can seize the great opportunities of the twenty-first century by making it possible for all children to acquire the skills and knowledge to realize their own potential and dreams.

"The struggle in education today involves two things that are inextricably bound - a fight for equal opportunity and a fight for educational excellence."

President Clinton
July 17, 1997
NAACP National Convention

The Office for Civil Rights Ensures Equity and Excellence

The Office for Civil Rights (OCR) in the U.S. Department of Education (ED) is a law enforcement agency charged with enforcing federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age by recipients of federal financial assistance. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting discrimination based on race, color, and national origin);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination within educational institutions);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination); and
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination by public entities, whether or not they receive federal financial assistance).

These civil rights laws represent a national commitment to end discrimination in education programs. Since most educational institutions receive some type of federal financial assistance, these laws apply throughout the nation.

Coverage of these civil rights laws extends to:

- nearly 15,000 school districts;
- more than 3,600 colleges and universities; and
- about 5,000 proprietary organizations, such as training schools for truck drivers and cosmetologists and thousands of libraries, museums, vocational rehabilitation agencies, and correctional facilities.

Consequently, these civil rights laws protect large numbers of students attending, or applying to attend, our educational institutions. In certain situations, the laws also protect persons who are employed or seeking employment at educational institutions. Overall, these laws protect:

- nearly 53.2 million students attending elementary and secondary schools; and
- nearly 14.9 million students attending colleges and universities.

These laws and OCR's mission are in harmony with the mission of the U.S. Department of Education -- ensuring equal access to education and promoting educational excellence throughout the nation.

BEST COPY AVAILABLE

How OCR Does Its Work

Organizational Structure

Most of OCR's activities are conducted by its 12 enforcement offices throughout the country. These enforcement offices are organized into 4 divisions (Eastern, Western, Midwestern and Southern) working on OCR's core work -- preventing, identifying, ending, and remedying discrimination against America's students. The headquarters office, located in Washington, D.C., provides overall leadership, policy development and coordination.

"On behalf of all your clients, thank you for all the work you do ... I sincerely hope that future students ... will know how to access help in a timely fashion."

January 5, 1999, letter from student who received a college loan credit as a result of OCR's case resolution

OCR Resolves Complaints

One important way OCR carries out its responsibilities is by resolving complaints. Persons who believe there has been a violation of the civil rights laws enforced by OCR may file complaints with the appropriate enforcement office (See Appendix A). The person or organization filing the complaint may be a victim of the alleged discrimination or may complain on behalf of another person or group. The complaint process provides a forum for resolution of alleged discrimination against individuals protected by the civil rights laws.

OCR's primary objective in complaint resolution is to resolve the complainant's allegations of discrimination promptly, fairly and appropriately. In FY 1999, OCR used a variety of techniques to resolve 5,369 complaints. These range from facilitating voluntary resolutions between parties to OCR negotiating agreements with recipients for voluntary compliance. If these methods fail, OCR uses enforcement by requiring remedies for civil rights violations that are not voluntarily corrected or litigation in the event that negotiations fail. This flexible approach allows OCR to:

- provide timely and effective intervention at the beginning of the complaint process;
- focus on achieving effective change; and
- make students, parents and school officials central to the resolution of complaints.

OCR Conducts Compliance Reviews

Not all illegal discrimination can be stopped or remedied by responding to complaints that arrive from the public. Agency-initiated cases, typically called "compliance reviews," permit OCR to target resources on compliance problems that are particularly acute, national in scope, or newly emerging.

Targeted compliance reviews maximize the impact of OCR's resources and balance the enforcement program. Experience indicates that carefully targeted compliance reviews are likely to benefit large numbers of students through policy or program

changes that are designed to secure equal educational opportunity.

OCR initiated 76 compliance reviews in FY 1999 and brought 93 reviews to successful resolution, some of which had been started in previous years. Compliance reviews are selected based on various sources of information, including survey data as well as information provided by parents, education groups, media, community organizations and the public. For example, in FY 1999, OCR conducted compliance reviews on the following issues:

- ensuring that nondiscriminatory practices are followed in the placement of minority students in special education and access to gifted and talented programs;
- ensuring that English language learners are afforded access to English language instruction, as well as content courses and other educational benefits;
- ensuring that elementary and secondary students with disabilities receive a free appropriate public education;
- ensuring that students are not subject to a racially hostile environment;
- ensuring nondiscriminatory student disciplinary policies and practices; and
- ensuring equal opportunity for male and female students to participate in athletic programs.

OCR's Provides Policy Guidance and Technical Assistance

The aim of OCR's policy guidance and technical assistance activities is to educate about civil rights principles and prevent violations of civil rights laws. This includes helping recipients comply with the laws and helping beneficiaries understand their rights. OCR recognizes that our efforts alone are insufficient to eliminate discrimination in education. Students, parents, and educators must have the knowledge and skills to prevent discrimination from initially occurring.

"We appreciate the technical assistance and materials which you have provided as we work with students and staff to address this issue."

Letter from Public School District acknowledging signed case resolution agreement

OCR provides guidance and assistance to enable institutions to come into compliance during the complaint resolution process or during a compliance review. Written and oral guidance is also provided in response to tens of thousands of inquiries received annually. In addition, OCR engages in a broad range of proactive outreach activities such as on-site consultations, conference sponsorship and participation, training classes, workshops, and community meetings. Specifically, in FY 1999, OCR's efforts to provide guidance and assistance included the following:

- In January 1999, OCR jointly sponsored, with the National Association of Attorneys General, a guide intended to help school officials deal more effectively with instances of harassment and violence in elementary and secondary schools. The new guide provides practical advice on how to deal with persistent episodes of student harassment and hate-motivated threats and violence. For

BEST COPY AVAILABLE

easy access by school districts, this guide is now posted on OCR's website.

- In March 1999, OCR participated in a national charter schools conference, sponsored by the Department of Education, and explained the federal civil rights requirements to charter school officials and individuals interested in establishing charter schools.

- OCR also has a resource guide-in draft form- designed to provide educators and policymakers with information about the legal and psychometric principles that should guide their planning and implementation of policies relating to the use of tests for high stakes purposes. In drafting the guide, which will be published in final form in FY 2000, OCR consulted with teachers, educational administrators, policymakers, business representatives, advocacy organizations and test publishers to obtain advice on the scope, framing, and kinds of resources that should be included in the guide.

How to Contact Us

Many OCR offices have customer service teams that respond to questions from our partners, stakeholders and members of the public. (see Appendix A) OCR also serves the public through its web page at http://www.ed.gov/offices/OCR and its toll free telephone line [1-800-421-3481] that is staffed during business hours, eastern standard time.

OCR Does More, More Efficiently

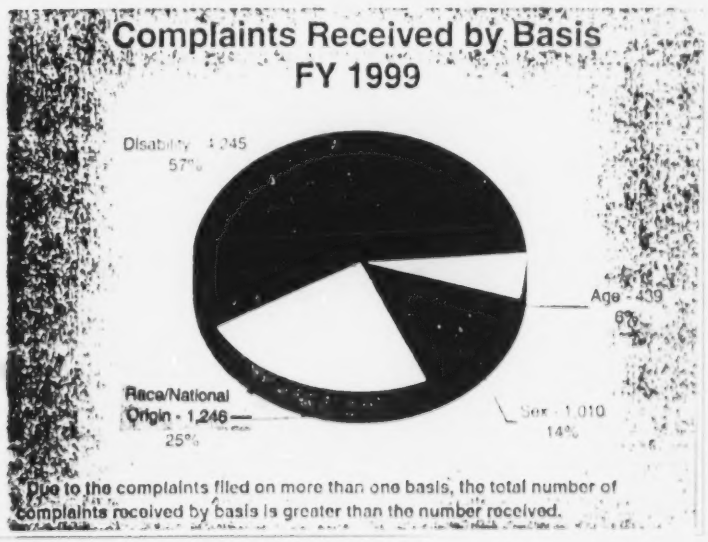
During FY 1999, OCR received 6,628 discrimination complaints alleging a wide range of civil rights concerns affecting access to equal educational opportunities. The number of complaints received exceeded any previous year in the agency's history. Fifty-one percent of complaints received were filed against elementary and secondary education institutions, 43 percent were filed against postsecondary education institutions, and 6 percent were filed against vocational rehabilitation and other types of institutions.

As in previous years, the majority of the FY 1999 complaints (57 percent) alleged discrimination on the basis of disability. These complaints raise issues regarding access, referral, evaluation, and placement of students with disabilities, as well as treatment and services made available to them. Race and national origin complaints accounted for 25 percent of the total and covered such issues as access to quality education, ability grouping, minority over-representation in special education, racial harassment, school discipline, assignment practices, and services to English language learners. Complaints based on sex discrimination comprised 14 percent of all complaints received and included issues such as access to interscholastic and intercollegiate athletics and sexual harassment. Age discrimination accounts for 6 percent. In addition, OCR receives and appropriately transfers many complaints outside of its statutory responsibilities.

"Over a four-year period, OCR succeeded in reducing the average time to resolve complaints and the inventory of unresolved complaints."

March 23, 1999
U.S. General Accounting Office (GAO) Report

Although OCR is receiving more complaints, efficiency has remained an uncompromised goal. During FY 1999, 80 percent of complaints were resolved within 180 days of receipt, despite the record complaint caseload. A March 23, 1999, report on OCR's case resolution process issued by the General Accounting Office (GAO) highlighted OCR's improved case resolution process. The GAO attributed the improvement to OCR's change to a more flexible case resolution process that focuses on resolving complaints as soon as possible. The GAO also attributed improvement to OCR's replacement of a hierarchical structure for investigating complaints with case resolution teams of attorneys, investigators, and support staff that have the authority to reach resolution of most complaints.



BEST COPY AVAILABLE

How OCR Measures Its Work

In order to use its resources most efficiently, OCR has identified and tracked four measures that indicate whether or not we have been timely and effective in removing barriers to equal access to educational opportunity.

1. **The number of school districts and institutions of higher education that change their polices, procedures, or practices to comply with federal civil rights laws as a result of OCR's intervention.**

   In FY 1998, OCR's baseline year for collecting this data, more than 1,300 recipients of federal financial assistance made such changes. In FY 1999, the number grew to more than 1,500.

2. **The number of students positively affected by OCR's activities** (i.e., complaints, compliance reviews, technical assistance and partnerships).

   In FY 1998, OCR's baseline year for collecting this data, the number of students positively affected was approximately 5,900,000; in FY 1999, the number rose to approximately 6,500,000.

3. **Partnerships with parents.** Educating parents about civil rights makes them effective local advocates for students. OCR facilitates collaborative relationships between parents and schools to achieve ongoing civil rights compliance without OCR's continuing involvement. In FY 1999, the first year that OCR collected data on parental partnerships, 18 partnerships were formed that resulted in increasing access to educational opportunity for students.

4. **The efficient resolution of complaints,** (i.e., 80 percent of OCR's complaints are resolved in 180 days).

   OCR is committed to giving timely relief to students who are being denied equal access to educational opportunity. Through decades of experience, we know that about 20 percent of our complaints are so complex that they cannot be resolved within that time-frame. OCR has committed to resolving at least 80 percent of our complaints in 180 days. In FY 1994, a year in which we had more staff and fewer complaints, the rate was 77 percent; in FY 1999, the rate was 80 percent.

BEST COPY AVAILABLE

OCR Develops Strategies That Work

OCR continued to pursue a balanced enforcement agenda in FY 1999, focusing on collaboration with state and local educational authorities, emphasizing prevention of discrimination, and seeking partners in expanding access to quality education. By working collaboratively, we save taxpayer dollars while remaining focused on protecting the rights of students and ensuring their access to high standards and educational excellence.

"[OCR's] workshops have been extremely useful to both students and parents. [The OCR representative] empowers the entire family by teaching them to understand and exercise their rights. One young woman, armed with this new knowledge, was able to favorably settle a dispute with school administrators in her favor."

Letter of appreciation for OCR workshops provided to non-profit organization

Promoting a More Collaborative Process

For many years, OCR's approach to complaints focused primarily on process. This stemmed, in large part, from a 1977 court order and subsequent court orders that imposed specified time frames and requirements for OCR's processing of complaints. To help meet the court's time frames, OCR established a step-by-step investigative process with extensive documentation requirements. There was no distinction between the types of complaints OCR received; all complaints were subject to the same formal investigative measures. Staff were encumbered by the procedures and prescribed steps that had to be implemented in every case, irrespective of their relative value or necessity to the particular matter at hand. Complaint investigations often were burdensome to schools and colleges. The process, with its reliance on sequential tasks, document production, and multiple layers of review, also resulted in long delays before complainants and school officials were able to obtain final resolutions. In 1993, OCR was still committing 90 percent of its resources to complaint processing, despite the dismissal of the court order in June 1990. Focused on the process of complaint resolution, OCR was unable to significantly address critical civil rights issues that were not raised in complaints.

In 1993, OCR decided to fundamentally re-engineer its approach to processing discrimination complaints. In December 1993, a new Case Resolution Manual was issued, which places primary emphasis on achieving effective change, rather than on document production. The Manual streamlines the complaint process with the objective of resolving a complainant's allegations of discrimination promptly and appropriately. It emphasizes mediation, negotiation, and other early case closure initiatives in resolving complaints. Using this revised approach, OCR is resolving more complaints with fewer staff. It also allows OCR to dedicate 40 percent of its resources to targeted proactive activities (such as compliance reviews, monitoring and technical assistance) that complement the action enforcement agenda. Activities

BEST COPY AVAILABLE

are chosen that will achieve access to high quality and high standards education for the greatest number of students possible.

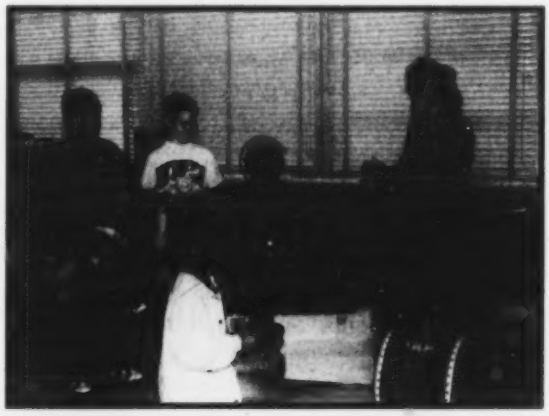
OCR places great reliance on collaborating with stakeholders to achieve optimal results. Because of this, OCR has been highly effective in obtaining voluntary resolution agreements to address civil rights concerns without having to resort to the ultimate sanction of enforcement. Furthermore, educationally sound practices are at the core of these resolution agreements. The 5,369 complaints resolved in FY 1999 is among the highest number recorded in the agency's history.

For example, during FY 1999, OCR collaborated with a state system of higher education to remove the last vestiges of racial segregation and increase access to higher education for minority students. One of the significant initiatives resulting from this collaborative approach was the state's commitment to improve educational opportunities, which included investing $35 million to enhance the facilities and infrastructure of its historically black university.

Other examples of collaboration during FY 1999 involved two statewide Title VI agreements developed regarding minority students' access to and participation in gifted programs. The agreements require substantive changes to existing eligibility criteria, including the use of multiple criteria and multiple assessment measures and instruments.

Partnerships

OCR recognizes that federal, state, and local education agencies, as well as parents and other interested parties, share a common goal of equal opportunity and access to high quality education. OCR combines its expertise through educational partnerships to prevent civil rights problems and stop illegal discrimination.



Partnerships also are proving helpful in arriving at effective solutions, including educationally sound remedies that increase opportunities for all students. For example, our Seattle office developed an athletic equity internet web site with the State of Washington's Department of Education and a state interscholastic activities association. The web site allows school districts to go online to conduct Title IX athletics evaluations. The site provides all the relevant information needed for a comprehensive evaluation, including content and links on legal and policy requirements, worksheets for conducting the evaluation of program components, and links to other resources. The Seattle Office is now developing, with the same state agency, another web site for addressing harassment in the schools. This web site will include all available laws, regulations and policies on the subject as well as links to important self-evaluation resource materials. The web site will be primarily designed for use by parents,

students and school districts and is expected to become a model for other state education agencies.

In addition, OCR also worked with a number of special education stakeholders, including a state's department of education, to revise a state statute in order to ensure compliance with several federal civil rights laws. Before the law's revision, the state had one of the highest rates of restrictive special education placement in the nation. Changes in the state's funding formula now encourage placement of students with disabilities in less restrictive educational settings.

Empowering Parents

One of OCR's strategic goals is to empower students and parents to solve their own problems of securing equal access to quality education. For example, working with several parent centers and organizations, OCR conducted training forums for minority and limited English-proficient parents in the nation's largest school system. The parents were given information about their rights and responsibilities in securing appropriate special education services for their children. The information provided enabled parents to advocate more effectively on behalf of their children.

OCR has also encouraged parental involvement in agreements resulting from complaints and compliance reviews. Parental involvement is essential to achieving lasting change by ensuring that positive actions implemented by education institutions continue once OCR is no longer involved.

Issue Networks

OCR has established internal networks around specific civil rights compliance issues to provide a forum for building knowledge and expertise around each issue area. The current networks are: minorities and special education, English language learners, gifted and talented education and ability grouping, racial harassment/discipline, Title IX athletics, testing, disability and desegregation.

The issue networks serve as a bridge between OCR staff working on the same issues and encountering the same questions across the country. They also serve to share best educational practices, refine our case resolution tools and approaches, ensure consistency in applying legal standards and share knowledge throughout the agency. These networks assist in our efforts to increase students' access to quality education.

Monitoring

OCR realizes that our most well-crafted resolution agreements will do little good unless we monitor their implementation to ensure that change has occurred and students, in fact, are receiving educational benefits. OCR is now giving increased attention to monitoring resolution agreements. The Eastern division offices (See Appendix A) developed and are now implementing a new proactive monitoring strategy. It focuses not only on whether the recipients has taken the specific steps required in its agreement, but also on whether those steps have achieved goals established for the compliance activity and improved students' access to high quality

education. Most fundamentally, it has meant increased attention to monitoring. It has meant the application of greater rigor to the way we plan and carry out our monitoring activities. It has meant the use of specific monitoring strategies and techniques that are designed as a means of ensuring long-lasting positive change for students.

During FY 1999, OCR monitored 2,083 complaint resolution agreements, compared with 1,811 in FY 1994. Likewise, there has been a dramatic rise in monitoring compliance review agreements -- 807 during FY 1999, compared with 235 in FY 1994.

A few examples illustrate how students benefit as schools and colleges meet their commitments:

- During FY 1999, OCR stopped monitoring a midwestern college after confirming that it had made its chemistry laboratory accessible. Having access to the chemistry laboratory allowed a student who uses a wheelchair to complete her course work in chemistry and to major in electrical engineering.

- A student in a northeastern school district, who has a multiple chemical sensitivity, improved his attendance and grades dramatically after the district resolved a complaint by altering its use of pesticides, paints, and other chemicals. The mother informed OCR that her son received an "early decision" admittance to the college of his choice.

- The most recent monitoring response from a southern school district showed that by using a non-verbal intelligence test, along with the district's regular battery of tests, 74 percent of students in the educable mentally disabled program will now be eligible for placement in another less-restrictive education setting.

"The hostile environment which was targeted at Mexican students and parents has diminished. Several students have graduated, who without intervention from OCR probably would not have been able to graduate. Some of these students have gone on to college and others are currently on schedule to graduate from high school."

May 14, 1999, Letter from Parent in West Coast School District

- OCR completed monitoring a southwestern school district on the issue of racial harassment. In implementing its comprehensive commitments, the district reduced the number of racial incidents by 89 percent over a three-year period. A compliance review, on the issue of intercollegiate athletics, was closed after monitoring showed that the university had added about 100 athletic participation opportunities for women and increased athletic financial assistance to female athletes by $235,000. This was accomplished by adding three varsity sports for women without eliminating any sports for men.

OCR Makes A Difference in the Lives of Students

OCR's impact cannot be measured in numbers alone, but it is also important to understand the positive changes that are made in the lives of students across the nation. The examples below provide a brief overview of the real life of OCR efforts.

Boys' and Girls' Sports Teams: A True Win-Win Example

When OCR's New York enforcement office began investigating a complaint alleging sex discrimination in athletics, it learned that only one-third of female high school students were members of interscholastic athletic teams. In addition, only 38 percent of teams were girls' teams. As a result of OCR's work, the city's Board of Education added more than 300 girls' teams, bringing the total number of female high school teams to 1,030 or 45 percent of all teams. As a result of OCR's intervention, the Board also increased the number of boys' teams by 46, bringing their total number to 1,246. It is too soon to tell the exact number of girls who joined these additional teams last fall, but we expect that the number of girls now involved in high school sports will rise. This story is an example of how OCR's activities result in more opportunities for both boys and girls.

Get on the Bus: A Lesson in Sexual Harassment

When a student sexually harassed another elementary school student while on their school bus, the child reported the harassment to her bus driver. The bus driver however took no action. When she and her parents met with the bus company management, the parents believed that their concerns were disregarded. The girl's parents then brought the issue to the school district, but thought the school staff did not take appropriate action. At that point, the girl's father called OCR and requested our intervention. Although, the parents were reluctant to file a complaint because they did not want their daughter to have to endure a formal investigation, OCR spoke with the school officials. After speaking to school officials, the OCR staff was invited to address the responsibilities of teachers, administrators and bus drivers regarding sexual harassment notification. The transportation company sent all of its school bus drivers to this training, regardless of the school district they served. OCR's contributions reduced the chances of a reoccurring incident on another bus or in a different district.

OCR Enters Agreement with the Commonwealth of Pennsylvania

Many African American students enter higher education in Pennsylvania at the community college, rather than university, level. Therefore, an important focus of OCR's partnership with Pennsylvania to remove vestiges of segregation was the agreement under which students may enter any of the its universities with two full years credit toward a bachelor's degree after completing two years work at a community college. Another major thrust of the partnership is the $36.5

BEST COPY AVAILABLE

million infusion into one of the state's public historically black colleges.

Other campuses throughout Pennsylvania have also been affected by this partnership. At Penn State, such areas as community policing, discussion forums, and academic assistance are being designed to make the campus more welcoming to African American and other minority students. Temple University and the University of Pittsburgh, along with Penn State University, are stepping up recruitment and support programs for their African American students. In all, 33 colleges and universities were affected by OCR's partnership with the Commonwealth, and more than 12,000 African American students now enrolled.

Adequate Teaching Levels for English-Language Learners

A parent filed a complaint with OCR against a school district that has thousands of English language learners. When OCR began its investigation, staff found that there were only 16 teachers and four paraprofessionals trained into serve these students. OCR's intervention resulted in the school district hiring 90 additional capable teachers and 81 para-professionals. Because the teachers and teaching assistants were new hires and their status may have been jeopardized by possible layoffs, OCR worked with the school district and its teachers' union to amend their procedures so that alternative program staffing levels would remain adequate even in the case of layoffs. In addition, OCR and the school district collaboratively developed a tuition reimbursement program to encourage teachers to earn specialized certification to teach in alternative language programs. In 1999, 41 teaching staff were working toward this goal through the new tuition reimbursement program.

OCR Provides Support for Mother's Concerns

A mother of two children enrolled in special education programs filed a complaint with OCR alleging that the State's Department of Education was providing inadequate services to both of her children. The mother also alleged that school officials wrongfully disciplined one of her children and failed to provide him with appropriate education services. Upon investigation, OCR found that neither child's Individualized Education Plan (IEP) had been properly implemented by the state's Department of Education, which agreed to redress its inaction and compensate for the services missed. OCR investigators also compared tone child's disciplinary punishment to that given to others who had misbehaved, and determined that the Board indeed had retaliated against the child. Education officials agreed to expunge the student's record of disciplinary incidents for the year, and agreed to treat students equitably in the future.

In addition, OCR found that officials had retaliated against the students' mother, including making comments critical of her to other parents. The state Department of Education sent her a letter of apology, advised its staff of the inappropriateness of their actions and—most importantly, because OCR found that many families feared retaliation-notified the community, including parents and students, that staff would not retaliate against them.

A Picture is Worth a Thousand Words

A junior high school student with disabilities filed a complaint with OCR saying that his photograph, as well as those of other disabled students, was segregated in the school's yearbook. The yearbook placed the pictures of disabled students in a different location from the photos of other students. OCR contacted the district, which agreed to integrate photos of students with disabilities along with other student photos.

English Language Learners Get Much Needed Assistance From School District

OCR staff learned that in a western school district that had 1,272 English language learners out of 13,000 students, most of the district's English language learners were instructed by teachers who were only minimally qualified or who were teacher assistants. More than half of the students received no alternative language program. In addition, students were being evaluated with instruments that required knowledge of English— and, not surprisingly, many were inappropriately classified and placed in special education programs that did not offer an alternative language program.

OCR's intervention resulted in significant changes, including training on the requirements of an alternative language program, to dozens of teachers and administrators. In response, the school district made immediate and positive changes. Specialized teachers in English-as-a-second-language were hired and child assessment teams were deployed at each school to review each student's assessment, placement and education needs. OCR has continued to monitor and review schools throughout the District and has kept in communication with its administrators. Last August, a reworked plan was approved that provides additional services to students whose first language is not English.

Different Treatment of African American and Hispanic Students

A former administrator lodged a complaint alleging that a district high school channels African American and Hispanic students who are identified as potential dropouts into GED and evening high school programs. The complainant also alleged that the school's academic honors program was disproportionately white. Investigators from OCR were able to verify all of these allegations.

As a result of OCR's activities, the school district agreed that it would evaluate its admission standards for the honors program. In addition, the school district agreed to work towards alleviating the opportunity for any racial or ethnic bias in referring students to GED and evening programs.

Doubling Minority Students in Gifted and Talented Programs

In a southwestern state, OCR staff noted that a low proportion of Native American and Hispanic elementary and high school students were in programs for gifted and talented students. In one particular school district with a predominantly Hispanic student body, the school demonstrated that minority students could qualify for gifted programs when teachers use a variety of methods in addition to standardized I.Q. tests as the criteria for eligibility. OCR collaborated with the school district to broaden its admissions criteria from only using a standardized IQ score to using multiple criteria. As a result, the proportion of Hispanic students in gifted and talented programs doubled. In 2000, OCR will continue working with the school, the state and local officials to develop a demonstration project for school districts throughout the state.

Discipline of Black Male Students

In a school district in the South, a principal disciplined six African American high school students by tying them together and parading them around the school grounds.

OCR investigators determined that the students were punished differently and inappropriately on the basis of their race. School district administrators agreed to remedy the principal's wrong-doing against the students by giving them psychological help and counseling, as well as reprimanding the principal in a letter placed in her personnel file. In addition, OCR addressed the incident school-wide, by having the school district develop and publish appropriate disciplinary policies, and requiring its staff to participate in workshops on race, color and national origin discrimination. OCR will monitor the school's disciplinary actions to ensure that its commitments are met.

School District Receives Federal Refugee Funding

A former teacher filed a complaint with OCR against a school district, saying that it under-served English-language learners. The changes the district made, with OCR's assistance, included: appropriate identification and assessment of English language learners, placing them in appropriate programs, and monitoring them to make sure their transition to other programs was successful. These changes prompted a federal agency that supports refugee relocation to give the school district additional funding for its language-assistance program.

> **"Your office helped me to receive appropriate accommodations in law school. Last August I took the bar exam. In November I learned that I passed and [in December] I was sworn into the [state] bar. This would not have happened without your office's help."**
>
> **May 12, 1999, Letter from Disabled Former Law Student**

Working to Keep Special Education for Those With Special Needs

OCR completed monitoring a western school district that had been placing a disproportionate number of African

American students in special education classes. OCR's resolution agreement with the district provided for development of a pre-referral intervention process to assist students experiencing difficulties in a regular classroom setting. The agreement with OCR also revised referral procedures for special education evaluation to ensure consideration of the impact of education and medical history as well as environmental, cultural and economic factors. Since entering the agreement with OCR, the number of African American students classified as learning disabled (LD) decreased from 221 to 161. As a result of OCR's intervention, the district reports that 89% of the African American students classified as LD and 46% of those classified as mentally disabled are now being educated in a regular setting. Overall, 80% of students with disabilities now receive their educational services through full-day inclusion in the regular classroom with supplementary aids and services. The District continues to engage in a strong staff training efforts and ongoing self-evaluation to identify any remaining areas of concern.

Managing Resources for Positive Impact on Students

OCR is committed to achieving equal access to a high quality education for all students. But our ability to have a positive impact on students' lives is directly related to maintaining a competent, well-trained, technologically proficient workforce. Our work is labor-intensive, and approximately 80 percent of OCR's budget is used to pay staffing expenses. In fiscal year 1999, OCR received $66,000,000 from Congress, which was $2,000,000 less than requested, approximately 7 percent more than the previous year. However, it did enable OCR to complete the hiring process begun in FY 1998 and to continue staff training. By the end of the fiscal year, OCR had expanded to 737 full-time equivalent staff hours.

The decade of the 1990's brought OCR an increase in workload and case complexity, along with decreasing resources. Managing more with less became a necessity. To meet this

OCR APPROPRIATION AND WORKLOAD
FISCAL YEAR 1990 - FISCAL YEAR 1999

FY	Presidential Request	Congressional Appropriation*	FTE	Complaints		Compliance Reviews	
			Usage	Filed	Resolved	Initiated	Resolved
1999	$68,000,000	$66,000,000	737	6,628**	5,369	76	93
1998	$61,500,000	$61,500,000	685	4,847	4,753	102	100
1997	$60,000,000	$54,900,000	681	5,296	4,981	152	140
1996	$62,784,000	$55,277,000	745	4,828	4,886	146	173
1995	$61,457,000	$58,236,000	788	4,981	5,559	96	178
1994	$56,570,000	$56,570,000	821	5,302	5,751	144	90
1993	$61,400,000	$56,402,000	854	5,090	4,484	101	82
1992	$56,000,000	$53,625,000	848	4,432	4,180	77	50
1991	$49,900,000	$48,404,000	797	3,809	3,497	41	22
1990	$45,178,000	$44,572,000	815	3,384	3,130	32	30

*FY 1990 and FY 1995 Appropriation after sequestration; FY 1997 Appropriation after recision

** 1,614 filed by an individual complainant

challenge, OCR reduced its headquarters staff and put additional staff in the field, instituted more flexible case resolution procedures, replaced an out-of-date mainframe data collection system with a personal computer based system, provided staff with on-line access to critical case resolution resources through an electronic library, and established internal networks for key subject matter issues.

In FY 1999, OCR received more complaints than in any previous year in its history. While complaint receipts have risen this decade in general, the increase in the number of FY 1999 complaints is due largely to a single complainant who filed more than 1,600 complaints against postsecondary institutions nationwide. While this is an unusual occurrence, it illustrates one of the challenges OCR faces in building a balanced civil rights enforcement program—the fact that we cannot control the number or type of complaints received.

BEST COPY AVAILABLE

Looking Toward the Future

Both efficiency and effectiveness are critical to our work—efficiency because a student who is denied equal access to educational opportunity needs quick relief –effectiveness because it is essential that educational excellence and equity are combined in the resolution of civil rights issues.

While building the capacity to share expertise that can prevent discrimination, OCR needs the resources to fully implement its programs. Without adequate staff and sufficient technology, OCR will be unable to effectively assist the educational system in meeting the needs of students in the twenty-first century.

While OCR is proud of its past effectiveness and efficiencies, we are prouder still of our increasing ability to provide services that enable stakeholders to address the complex civil rights issues at hand. We know, however, that the need is greater than what is reflected in complaints simply because the populations of students most affected by educational inequities are often least aware of their civil rights. Having enough staff to not only resolve complaints, but also to conduct reviews in school districts and states, maximizes OCR's ability to positively affect the lives of students. Having enough staff to educate parents about their civil rights and to nurture partnerships between parents and schools ensures that students continue to have equal access to educational opportunity long after OCR's involvement ends.

OCR delivers services to customers that help prevent, as well as resolve, discriminatory educational practices by using well-trained staff to bring educationally sound, legally appropriate, and workable solutions to bear on complex civil rights issues. By using technology effectively, OCR puts information directly in the hands of students, parents, and recipients of federal funds so that they can resolve civil rights issues locally.

OCR has gained the reputation as a federal agency willing to listen to educators, collaborate with customers, and link stakeholders with similar interests to resolve complex equity issues. In the 21st century, we must continue to effectively meet the needs of a more diverse and technologically advanced society to ensure quality education for all students.

BEST COPY AVAILABLE

Notes

[1] Department of Education Draft Strategic Plan - June 26, 1997.

[2] President William J. Clinton - Radio Address to the Nation - August 16, 1997.

[3] Congressional Record - October 20, 1999 - page H10511

Appendix

Appendix A
Office for Civil Rights
U.S. Department of Education

400 Maryland Avenue, S.W
Washington, D.C. 20202-1100

http://www.ed.gov/offices/OCR
Customer Service #: 1-800-421-3481

Norma V. Cantú
Assistant Secretary
(202) 205-5526

Raymond Pierce
Deputy Assistant Secretary
(202) 205-9556

Scott Palmer
Deputy Assistant Secretary
(202) 205-5526

Lindsay Patterson
Chief of Staff
(202) 205-5526

John H. Jackson
Special Assistant
(202) 205-5526

Cathy H. Lewis
Enforcement Director for the Midwestern &Western Divisions
(202) 205-8217

Susan Bowers
Enforcement Director for the Eastern & Southern Divisions
(202) 205-8217

Jeanette Lim
Program Legal Group Director
(202) 205-8635

Lester Slayton
Resource Management Group Director
(202) 205-8233

EASTERN DIVISION

Thomas Hibino, Director
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
Office for Civil Rights, Boston Office
U.S. Department of Education
J. W. McCormack Post Office and Courthouse
Room 707
Boston, MA 02109-4557 (617) 223-9662
FAX (617) 223-9669; TDD (617) 223-9695

Helen Whitney, Director
New Jersey, New York, Puerto Rico, Virgin Islands
Office for Civil Rights, New York Office
U.S. Department of Education
75 Park Place, 14th Floor
New York, NY 10007-2146 (212) 637-6466
FAX (212) 264-3803; TDD (212) 637-0478

Wendella Fox, Director
Delaware, Maryland, Kentucky, Pennsylvania, West Virginia
Office for Civil Rights, Philadelphia Office
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107 (215) 656-8541
FAX (215) 656-8605; TDD (215) 656-8604

SOUTHERN DIVISION

Gary Walker, Director
Alabama, Florida, Georgia, South Carolina, Tennessee
Office for Civil Rights, Atlanta Office
U.S. Department of Education
61 Forsyth Street, S.W., Suite 19T70
Atlanta, GA 30303 (404) 562-6350
FAX (404) 562-6455; TDD (404) 562-6454

Taylor August, Director
Arkansas, Louisiana, Mississippi, Oklahoma, Texas
Office for Civil Rights, Dallas Office
U.S. Department of Education
1999 Bryan Street, Suite 2600
Dallas, TX 75201 (214) 880-2459
FAX (214) 880-3082; TDD (214) 880-2456

Alice Wender, Director
North Carolina, Virginia, Washington, D.C.
Office for Civil Rights, District of Columbia Office
U.S. Department of Education
1100 Pennsylvania Ave, N.W., Room 316
P.O. Box 14620
Washington, D.C. 20044-4620
(202) 208-2545; FAX (202) 208-7797
TDD (202) 208-7741

MIDWESTERN DIVISION

Linda McGovern, Director
Illinois, Indiana, Minnesota, Wisconsin
Office for Civil Rights, Chicago Office
U.S. Department of Education
111 North Canal Street, Suite 1053
Chicago, IL 60606-7204 (312) 886-8434
FAX (312) 353-4888; TDD (312) 353-2540

Harry Orris, Director
Michigan, Ohio
Office for Civil Rights, Cleveland Office
U.S. Department of Education
600 Superior Avenue East
Bank One Center, Room 750
Cleveland, OH 44114-2611 (216) 522-4970
FAX (216) 522-2573; TDD (216) 522-4944

Angela Bennett, Director
Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota
Office for Civil Rights, Kansas City Office
U.S. Department of Education
10220 North Executive Hills Boulevard
8th Floor
Kansas City, MO 64153-1367 (816)880-4200
FAX (816) 891-0644; TDD (816) 891-0582

WESTERN DIVISION

Lillian Gutierrez, Director
Arizona, Colorado, Montana, New Mexico, Utah, Wyoming
Office for Civil Rights, Denver Office
U.S. Department of Education
Federal Building, Suite 310
1244 Speer Boulevard
Denver, CO 80204-3582 (303) 844-5695
FAX (303) 844-4303; TDD (303) 844-3417

Stefan Rosenzweig, Director
California
Office for Civil Rights, San Francisco Office
U.S. Department of Education
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, CA 94102-4102 (415) 556-4275
FAX (415) 437-7783 TDD (415) 437-7786

Gary Jackson, Director
Alaska, Hawaii, Idaho, Nevada, Oregon, Washington, Pacific Region
Office for Civil Rights, Seattle Office
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174-1099 (206) 220-7900
FAX (206) 220-7887

OCR PUBLICATIONS

Please call 1-800-421-3481 if you would like one or more copies of these publications.

Title VI of the Civil Rights Act of 1964

Education and Title VI
- English
- Spanish

Historically Black Colleges & Universities and Higher Education Desegregation
Magnet Schools: Promoting Equal Opportunity and Quality Education
Provision of an Equal Education Opportunity to Limited-English Proficient Students
- English
- Spanish

Student Assignment in Elementary & Secondary Schools & Title VI

Title IX of the Education Amendments of 1972

Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test
Equal Opportunity in Intercollegiate Athletics
Sexual Harassment: It's Not Academic
Student Assignment in Elementary and Secondary Schools & Title IX
Teenage Pregnancy and Parenthood Issues
Title IX and Sex Discrimination
Title IX: 25 Years of Progress
Title IX Grievance Procedures: An Introductory Manual

Section 504 of the Rehabilitation Act of 1973 (Section 504)

Auxiliary Aids and Services for Postsecondary Students with Disabilities
Clarification of School Districts' Responsibilities to Evaluate Children with
- Attention Deficit Disorders

Discipline of Students With Handicaps in Elementary and Secondary Schools
Free Appropriate Public Education for Students with Disabilities
Placement of School Children with AIDS
Rights of Individuals With Handicaps Under Federal Law
- English
- Spanish

Student Placement in Elementary & Secondary Schools and Section 504 and Title II
Civil Rights of Students with Hidden Disabilities

GENERAL

Annual Report to Congress (Years 93, 94, 95, 96, 97, 98)
Application of Federal Civil Rights Laws to Public Charter Schools
Guidance Counselor's Role in Ensuring Equal Educational Opportunity
How to File a Discrimination Complaint with the Office for Civil Rights
- English
- Spanish
- Vietnamese
- Cantonese
- Hmong

Impact of the Civil Rights Laws

BEST COPY AVAILABLE

GENERAL - *(con't)*

Nondiscrimination in Employment Practices in Education
Notice of Nondiscrimination
Office for Civil Rights: Ensuring Equal Access to Quality Education
Vocational Education & Civil Rights
What Schools Can Do to Improve Math & Science Achievement by Minority & Female Students

OCR Regulations/Federal Register Policies

Age Discrimination Act of 1975
Award of Student Financial Assistance
Deaf Students Education Services; Policy Guidance; Notices
Guidelines for Vocational Education Programs
Intercollegiate Athletics Policy Interpretation
Title VI Civil Rights Act of 1964
Title IX Education Amendments of 1972
Racial Incidents and Harassment Investigative Guidance
Section 504 Rehabilitation Act of 1973
Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties; Notice
Title II of the Americans with Disabilities Act of 1990

Other Miscellaneous Documents

ADA Self-Evaluation Guide for Public Elementary and Secondary Schools (available through GPO)
Uniform Federal Accessibility Standard (UFAS)

BEST COPY AVAILABLE